

**BEFORE THE UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

Heritage Transport LLC
U.S. DOT # 314460,

Petitioner

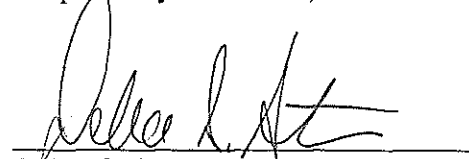
Docket No. FMCSA-2008-0199
(Office of Enforcement and
Compliance)

MOTION TO DISMISS

The Office of Chief Counsel, Enforcement and Litigation Division, on behalf of the Office of Enforcement and Compliance (OEC), Federal Motor Carrier Safety Administration (FMCSA), hereby moves to dismiss the request for administrative review of the denial of a Hazardous Materials Safety Permit (safety permit) filed by Heritage Transport LLC (Petitioner). FMCSA issued a safety permit to Petitioner on November 18, 2008 and this matter is now moot. *See Attached Letter granting safety permit to Petitioner.*

WHEREFORE, OEC respectfully requests that the Chief Safety Officer enter an order dismissing Petitioner's Request for Administrative Review of denial of its Hazardous Materials Safety Permit as moot.

Respectfully submitted,



Debra S. Straus
Office of Chief Counsel
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590
Ph: (202) 366-2266

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2009, I caused the indicated number of copies of the foregoing documents to be mailed or delivered, as specified, to the persons listed below:

U.S. DOT Dockets
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Room W12-140
Washington, DC 20590

Original
Personal delivery

Mary C. Hayworth, Compliance Manager
Heritage Transport LLC
1626 Research Way
Indianapolis, IN 46231

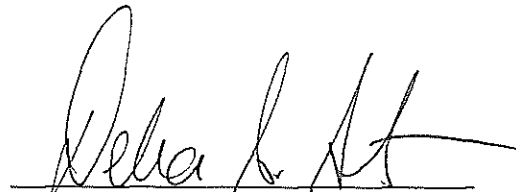
One Copy
U.S. Mail

Rose A. McMurray
Chief Safety Officer
Federal Motor Carrier Safety Administration
c/o Adjudications Counsel
1200 New Jersey Avenue, SE
Washington, D.C. 20590

One Copy
Personal delivery

James Simmons
Chief, HM Enforcement
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

One Copy
Personal delivery


Debra S. Straus



U.S. Department
of Transportation

Federal Motor
Carrier Safety
Administration

1200 New Jersey Ave., S.E.
Washington, DC 20590

November 18, 2008

In reply refer to:
USDOT Number: 314460

MC Number: MC187355

MARY C HAYWORTH
DOT COMPLIANCE MGR
HERITAGE TRANSPORT LLC
1626 RESEARCH WAY
INDIANAPOLIS, IN 46231

HAZARDOUS MATERIALS SAFETY PERMIT
HM Safety Permit ID: US-314460-IN-HMSP
Effective Date: November 18, 2008

Dear MARY C HAYWORTH:

The Hazardous Materials Safety Permit (HMSP) is verification of the motor carrier's permission to engage in the transportation of hazardous materials listed in 49 CFR 385.403 by motor vehicle in interstate, intrastate, or foreign commerce.

This HMSP will be effective beginning November 18, 2008 and remain effective through October 31, 2010 if your company maintains compliance with the requirements pertaining to the safe and secure movement of hazardous materials for the protection of the public (49 CFR 385 and other applicable Federal Motor Carrier Safety Regulations and Hazardous Material Regulations). Failure to maintain compliance will constitute sufficient grounds for suspension or revocation of this authority.

Willful and persistent noncompliance with applicable safety fitness regulations as evidenced by a Department of Transportation safety fitness rating less than "Satisfactory" or by other indicators, could result in a proceeding requiring the holder of this permit to show cause as to why this authority should not be suspended or revoked.

For questions regarding this document you may contact the FMCSA Hazardous Materials Division at 202-366-6121.

Sincerely,

William A. Quade
Associate Administrator for Enforcement and Program
Delivery